UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

MISSOURI PRIMATE FOUNDATION, et al.,)
Plaintiffs and Counterclaim Defendants,)))
	j
v.) Case No. 4:16-cv-02163
PEOPLE FOR THE ETHICAL)
TREATMENT OF ANIMALS, INC., et al.,)
Defendants and)
Counterclaim Plaintiffs.)

COUNTERCLAIM PLAINTIFFS' MOTION TO PRECLUDE THOMAS JONES FROM OFFERING OPINIONS AS A NON-RETAINED EXPERT

Pursuant to Federal Rule of Civil Procedure 26(a)(2)(C) and Federal Rule of Evidence 702, Counterclaim Plaintiffs, People for the Ethical Treatment of Animals, Inc. and Angela Scott (together, "Plaintiffs"), move to preclude the opinion testimony of Thomas "Butch" Jones, D.V.M. ("Jones") in his capacity as a non-retained expert. In support of their motion, Plaintiffs state as follows:

- The disclosure of Jones' proposed testimony was inadequate under Federal Rule of Civil Procedure 26(a)(2)(C).
- 2. The proffered opinions were not formed as part of Jones' involvement with the events at issue in this case, and therefore are beyond the permissible scope of testimony for a Rule 26(a)(2)(C) witness.
- 3. The proffered opinions are inadmissible under Federal Rule of Evidence 702 because Jones lacks the required specialized knowledge to testify about the particular subjects for which he is proffered.

WHEREFORE, Plaintiffs respectfully request that the Court grant this motion and enter an order in the form submitted herewith, precluding Jones from offering any expert opinions in this matter.

Dated: October 1, 2019 Respectfully submitted,

/s/ Martina Bernstein
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Attorneys for Defendants/ Counterclaim Plaintiffs

CERTIFICATE OF SERVICE

I certify that on October 1, 2019, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, by which notification of such filing was electronically sent and served to the following:

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